

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference FORT-002-003		Date of mailing (day/month/year) 24 JAN 2007 FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US05/06171	International filing date (day/month/year) 25 February 2005 (25.02.2005)	Priority date (day/month/year) 27 February 2004 (27.02.2004)
International Patent Classification (IPC) or both national classification and IPC IPC: G06F 7/00 (2006.01) USPC: 707/1,10,100,102		
Applicant FORT POINT PARTNERS, INC.		

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 17 September 2006 (17.09.2006)	Authorized officer <i>Michelle Lam</i> HUNG Q. PHAM Telephone No. 571-272-4040
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Form PCT/ISA/237 (cover sheet) (April 2005)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/06171

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/06171

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims NONE YES
Claims 1-30 NO

Inventive step (IS)

Claims NONE YES
Claims 1-30 NO

Industrial applicability (IA)

Claims 1-30 YES
Claims NONE NO

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE
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International application No.
PCT/US05/06171

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-30 lack of novelty under PCT Article 33(2) as being anticipated by Musgrove et al. [USP 6,535,880 B1].

Regarding claims 1 and 20, Musgrove teaches *a method of populating a merchandising product database*, comprising: *obtaining merchandising data related to a product from a point of presentation of the product* (merchandising data related to a product, e.g., product descriptions, pricing..., is obtained by Web Crawlers from a point of presentation of the product, e.g., merchant server 40 (Col. 5, Lines 18-22)); and *storing at least part of the obtained merchandising data in the merchandising product database* (the obtained merchandising data, e.g., product descriptions, pricing..., is stored in merchandising product database, e.g., product database 26 (Col. 5, Lines 18-20)).

Regarding claims 8 and 14, Musgrove teaches a merchandising database system, comprising: *an interface configured to coupled to a network and to receive merchandising data related to a product from a point of presentation of the product* (a browser application is an interface configured to coupled to a network for receiving merchandising data related to a product from a point of presentation of the product (Col. 5, Lines 28-43)); and *a database configured to store at least part of the received merchandising data* (Col. 5, Lines 18-27).

Regarding claims 2 and 21, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 1 and 20, Musgrove further discloses the step of *obtaining the merchandising data directly from a presentation device on which the product is presented* (Col. 5, Lines 18-22).

Regarding claim 26, Musgrove teaches *a method of populating a merchandising product database*, comprising: *rendering at least a portion of an interactive catalog, wherein content of the rendered portion includes description of one or more products and wherein the content is obtained from one or more source product databases* (Col. 5, Lines 28-43), *communicating data related to the products to the merchandising product database such that data is communicated from the source product databases to the merchandising product database* (Col. 5, Lines 18-27) *without requiring direct data importation* (the data is obtained via automated Web Crawlers (Col. 5, Lines 18-27)).

WRITTEN OPINION OF THE
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Regarding claims 3 and 22, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 1 and 20, Musgrove further discloses the step of *obtaining data about the product directly from the point of presentation of the product* (Col. 5, Lines 18-22).

Regarding claim 4, Musgrove teaches all of the claimed subject matter as discussed above with respect to claim 1, Musgrove further discloses *the merchandising product database does not have information related to the product stored therein prior to the storing step* (Col. 5, Lines 22-28).

Regarding claims 5 and 23, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 1 and 20, Musgrove further discloses the step of *obtaining the merchandising data generally contemporaneously with presentation of the product* (Col. 3, Lines 40-53 and Col. 5, Lines 12-27).

Regarding claims 6 and 24, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 1 and 20, Musgrove further discloses *the point of presentation comprises an output medium of an interactive catalog* (Col. 4, Lines 59-65 and Col. 5, Lines 6-10).

Regarding claims 7 and 25, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 1 and 20, Musgrove further discloses *the point of presentation comprises a Web-page* (Col. 5, Lines 6-10).

Regarding claims 9 and 15, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 8 and 14, Musgrove further discloses *the interface is configured to receive the merchandising data directly from a presentation device on which the product is presented* (Col. 5, Lines 28-46).

Regarding claims 10 and 16, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 8 and 14, Musgrove further discloses *the interface is configured to receive data about the product directly from the point of presentation of the product* (Col. 5, Lines 28-46).

Regarding claims 11 and 17, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 8 and 14, Musgrove further discloses *the interface is configured to receive the merchandising data generally contemporaneously with presentation of the product* (Col. 3, Lines 40-53 and Col. 5, Lines 12-27).

Regarding claims 12 and 18, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 8 and 14, Musgrove further discloses *the point of presentation comprises an output medium of an interactive catalog* (Col. 4, Lines 59-65 and Col. 5, Lines 6-10).

Regarding claims 13 and 19, Musgrove teaches all of the claimed subject matter as discussed above with respect to claims 8 and 14, Musgrove further discloses *the point of presentation comprises a Web-page* (Col. 5, Lines 6-10).

Regarding claim 27, Musgrove teaches all of the claimed subject matter as discussed above with respect to claim 26, Musgrove further discloses *the rendered portion of the interactive catalog acts as a conduit through which information from the source product databases is communicated to the merchandising product database* (Col. 5, Lines 12-25).

Regarding claim 28, Musgrove teaches all of the claimed subject matter as discussed above with respect to claim 26, Musgrove further discloses *the data related to the products comprises parameters embedded within the rendered portion of the interactive catalog* (Col. 5, Lines 28-46).

Regarding claim 29, Musgrove teaches all of the claimed subject matter as discussed above with respect to claim 26, Musgrove further discloses *the data related to the products comprises a product identification* (Col. 5, Lines 28-46).

Regarding claim 30, Musgrove teaches all of the claimed subject matter as discussed above with respect to claim 26, Musgrove further discloses *the data related to the products comprises a product description* (Col. 5, Lines 28-46).